

1 Title 5. EDUCATION

2 Division 1. State Department of Education

3 Chapter 2. Pupils

4 Subchapter 3. Health and Safety of Pupils

5
6 *Add Article 4.1. to read:*

7 **Article 4.1. Administering Medication to Pupils or Otherwise Assisting Pupils in the**
8 **Administration of Medication During the Regular School Day.**

9 **§ 600. Authorization.**

10 Pursuant to Section 49423 and subdivision (b) of Section 49423.6 of the Education Code, any
11 pupil who is required to take, during the regular school day, prescribed medication may be
12 assisted by a school nurse or other designated school personnel if both of the following
13 conditions are met:

14 (a) The pupil's authorized health care provider executes a written statement specifying, at a
15 minimum, the medication the pupil is to take, the dosage, and the period of time during which
16 the medication is to be taken, as well as otherwise detailing (as may be necessary) the method,
17 amount, and time schedule by which the medication is to be taken.

18 (b) The pupil's parent or legal guardian provides a written statement initiating a request to
19 have the medication administered to the pupil or to have the pupil otherwise assisted in the
20 administration of the medication, in accordance with the authorized health care provider's
21 written statement.

22 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
23 49423 and 49423.6, Education Code.

24 **§ 601. Definitions.**

25 As used in Section 49423 and subdivision (b) of Section 49423.6 of the Education Code and
26 in this article:

27 (a) "Authorized health care provider" means an individual who is licensed by the State of
28 California to prescribe medication.

29 (b) "Medication" may include not only a substance dispensed in the United States by
30 prescription, but also a substance that does not require a prescription, such as over-the-counter
31 remedies, nutritional supplements, and herbal remedies.

1 (c) “Medication log” may consist of a form developed by the local education agency for the
2 documentation of the administration of the medication to the pupil or otherwise assisting the
3 pupil in the administration of the medication. The medication log may include the following:

4 (1) Pupil’s name;

5 (2) Name of medication the pupil is required to take;

6 (3) Dose of medication;

7 (4) Method by which the pupil is required to take the medication;

8 (5) Time the medication is to be taken during the regular school day;

9 (6) Date(s) on which the pupil is required to take the medication;

10 (7) Authorized health care provider’s name and contact information; and

11 (8) A space for daily recording of medication administration to the pupil or otherwise
12 assisting the pupil in administration of the medication, such as date, time, amount, and signature
13 of the individual administering the medication or otherwise assisting in administration of the
14 medication.

15 (d) “Medication record” may include:

16 (1) The authorized health care provider’s written statement;

17 (2) The written statement of the parent or legal guardian;

18 (3) The medication log; and

19 (4) Any other written documentation related to the administration of the medication to the
20 pupil or otherwise assisting the pupil in the administration of the medication.

21 (e) “Other designated school personnel” may include any individual employed by the local
22 education agency who:

23 (1) Has consented to administer the medication to the pupil or otherwise assist the pupil in
24 the administration of medication; and

25 (2) May legally administer the medication to the pupil or otherwise assist the pupil in the
26 administration of the medication.

27 (f) “Parent or legal guardian” means the individual recognized by the local education agency
28 as having authority to make medical decisions for the pupil.

29 (g) “Regular school day” may include not only the time the pupil receives instruction, but
30 also the time during which the pupil otherwise participates in activities under the auspices of the
31 local education agency, such as field trips, extracurricular and cocurricular activities, before- or

1 after-school programs, and camps or other activities that typically involve at least one overnight
2 stay away from home.

3 (h) “School nurse” means an individual employed by the local education agency who is a
4 currently licensed registered nurse and is credentialed pursuant to Education Code section 44877.

5 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
6 44877, 49423, and 49423.6 Education Code.

7 **§ 602. Written Statement of Authorized Health Care Provider.**

8 (a) A local education agency may establish specifications for the authorized health care
9 provider’s written statement in order to ensure that:

10 (1) The pupil is clearly identified;

11 (2) The medication is clearly identified;

12 (3) The dosage is clearly specified;

13 (4) The period of time during which the medication is to be taken is clearly specified; and

14 (5) Other information is obtained that is relevant to administering the medication to the pupil
15 or otherwise assisting the pupil in administration of the medication.

16 (b) A pupil's parent or legal guardian may deliver the authorized health care provider's
17 written statement to an authorized representative of the local education agency, such as the
18 schoolsite administrator or his or her designee.

19 (c) A local education agency may require that an amended or new written statement be
20 provided annually and whenever there is a change in the pupil’s authorized health care provider,
21 or a change in the medication, dosage, method by which the medication is required to be taken,
22 or date(s) or time(s) the medication is required to be taken.

23 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
24 49423 and 49423.6, Education Code.

25 **§ 603. Written Statement of the Parent or Legal Guardian.**

26 (a) A local education agency may establish specifications for the written statement of the
27 pupil’s parent or legal guardian in order to ensure that:

28 (1) The pupil is clearly identified.

29 (2) Permission is obtained for an authorized representative of the local education agency to
30 communicate directly with the pupil’s authorized health care provider, as may be necessary,
31 regarding the authorized health care provider's written statement.

32 (3) The parent or legal guardian understands what employees of the local education agency

1 will do to administer the medication to the pupil or otherwise assist the pupil in the
2 administration of the medication.

3 (4) The parent or legal guardian understands his or her responsibilities to enable employees
4 of the local education agency to administer the medication to the pupil or otherwise assist the
5 pupil in administration of the medication, e.g., to ensure that a current authorized health care
6 provider's written statement has been delivered to an authorized representative of the local
7 education agency, or to ensure that the medication is delivered to the schoolsite in a proper
8 container by an individual legally authorized to be in possession of the medication.

9 (5) The parent or legal guardian understands how he or she may terminate consent for
10 administration of the medication to the pupil or otherwise assisting the pupil in the
11 administration of the medication.

12 (b) A local education agency may provide reasonable accommodations to a parent or legal
13 guardian who has insufficient English language proficiency to produce a written statement
14 without assistance or who has a disability that makes it difficult to produce a written statement.

15 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
16 49423 and 49423.6, Education Code.

17 **§ 604. Administration of Medication to Pupils or Otherwise Assisting Pupils in the**
18 **Administration of Medication.**

19 (a) A school nurse may administer medication to a pupil or otherwise assist a pupil in the
20 administration of medication as allowed by law and in keeping with applicable standards of
21 professional practice.

22 (b) Other designated school personnel may administer medication to pupils or otherwise
23 assist pupils in the administration of medication as allowed by law and, if they are licensed
24 health care professionals, in keeping with applicable standards of professional practice for their
25 license.

26 (c) The pupil's parent or legal guardian may administer medication to the pupil or otherwise
27 assist the pupil in the administration of medication as allowed by law.

28 (d) An individual designated to do so by the parent or legal guardian may administer
29 medication to the pupil or otherwise assist the pupil in the administration of medication as
30 allowed by law. A local education agency may establish rules governing the designation of an
31 individual by a parent or legal guardian in order to ensure that:

32 (1) The individual is clearly identified;

1 (2) The individual is willing to accept the designation;

2 (3) The individual being designated is permitted to be present on the school site;

3 (4) Any limitations on the individual's authority in his or her capacity as designee are clearly
4 established; and

5 (5) The individual's service as a designee would not be inconsistent or in conflict with his or
6 her employment responsibilities, if the individual being designated is employed by the local
7 education agency.

8 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
9 49423 and 49423.6, Education Code.

10 **§605. Self-Administration of Medication.**

11 With the approval of the pupil's authorized health care provider and the approval of the
12 pupil's parent or legal guardian, a local education agency may allow a pupil to carry medication
13 and to self-administer the medication. A local education agency may establish rules governing
14 self-administration in order to protect the health and safety both of the pupil and of the whole
15 student body and staff at the schoolsite. Through such rules, a local education agency may
16 describe circumstances under which self-administration may be prohibited.

17 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
18 49423 and 49423.6, Education Code.

19 **§ 606. Delivery and Storage of Medication.**

20 A local education agency may establish policies governing the delivery of medication to the
21 schoolsites (other than medication a pupil is allowed to carry for purposes of self-administration),
22 as well as the storage of medication in a manner that is secure and maintains the medication's
23 effectiveness.

24 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
25 49423 and 49423.6, Education Code.

26 **§ 607. Documentation.**

27 A local education agency may establish policies regarding documentation of the
28 administration of medication to pupils or otherwise assisting pupils in the administration of
29 medication to ensure that:

30 (a) Pupil confidentiality is appropriately maintained;

31 (b) A medication record is maintained for each pupil to whom medication is administered or
32 other assistance is provided in the administration of medication; and

1 (c) An appropriate record is kept of pupils who are allowed to carry and self-administer
2 medication.

3 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
4 49423 and 49423.6, Education Code.

5 **§ 608. Deviation from Authorized Health Care Provider's Written Statement.**

6 A local education agency may establish policies regarding any material or significant
7 deviation from the authorized health care provider's written statement in order to ensure that, as
8 quickly as possible upon discovery, appropriate notification of the deviation is made:

9 (a) In accordance with applicable standards of professional practice, if the discovery is made
10 by a licensed health care professional; or

11 (b) To the schoolsite administrator, the pupil's parent or legal guardian, an employee of the
12 local education agency who is a licensed health care professional (if any), and the pupil's
13 authorized health care provider, if the discovery is made by an individual who is not a licensed
14 health care professional.

15 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
16 49423 and 49423.6, Education Code.

17 **§ 609. Unused, Discontinued and Outdated Medication.**

18 A local education agency may establish policies regarding unused, discontinued, and
19 outdated medication in order to ensure that:

20 (a) Such medication is returned to the pupil's parent or legal guardian where possible;

21 (b) Such medication that cannot be returned to the pupil's parent or legal guardian is
22 disposed of by the end of the school year in accordance with applicable law.

23 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
24 49423 and 49423.6, Education Code.

25 **§ 610. Applicability of this Article.**

26 Nothing in this article may be interpreted as creating a state-mandated local program or as
27 affecting in any way:

28 (a) The statutes, regulations, or standards of practice governing any health care professional
29 licensed by the State of California in the carrying out of activities authorized by the license;

30 (b) The statutes or regulations governing the administration of medication to pupils or
31 otherwise assisting pupils in the administration of medication by individuals who are not

1 licensed health care professionals, other than Section 49423 and subdivision (b) of Section
2 49423.6 of the Education Code;

3 (c) The use of emergency epinephrine auto-injectors pursuant to Section 49414 of the
4 Education Code;

5 (d) The content or implementation of a pupil's individualized education program prepared in
6 accordance with applicable provisions of federal and state law, or a pupil's Section 504
7 Accommodation Plan prepared in accordance with applicable provisions of the federal
8 Rehabilitation Act of 1973.

9 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
10 49414, 49423 and 49423.6, and Part 30 (commencing with Section 56000) of Division 4 of Title
11 2, Education Code.

12 **§ 611. Issuance and Periodic Updating of Advisory.**

13 The California Department of Education, with the approval of the State Board of Education,
14 may issue and periodically update an advisory providing non-binding guidance on the
15 administration of medication to pupils and otherwise assisting pupils in the administration of
16 medication. The advisory shall be a program guideline under Education Code section 33308.5,
17 and shall meet the requirements of Education Code section 33308.5 (including the written
18 notification that the guideline is merely exemplary and that compliance with the guideline is not
19 mandatory).

20 NOTE: Authority cited: Sections 33031 and 49423.6, Education Code. Reference: Sections
21 33308.5, 49423 and 49423.6, Education Code.

32 11/14/03